



PATENTS  
Attorney Docket No. VPI/96-16 CIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees : Guy W. Bemis et al.  
Patent No. : 6,608,060  
Issued : August 19, 2003  
Application No. : 09/336,266  
Filed : June 18, 1999  
For : INHIBITORS OF p38

Palo Alto, California  
July 7, 2006

ATTN: Certificate of Correction Branch  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESUBMISSION OF REQUEST FOR CERTIFICATE OF  
CORRECTION UNDER 37 C.F.R. §1.322

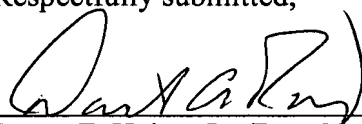
Sir:

Patentees and assignee (Vertex Pharmaceuticals, Inc.) originally filed the attached Request for Certificate of Correction by facsimile transmission to 571-273-8300 on March 17, 2006. The attached automatic response from the United States Patent and Trademark Office ("USPTO") confirmed receipt of the Request. In response to a June 26, 2006 telephone status request by patentees' and assignee's attorneys, a Certificate of Corrections

Branch representative reported that there was no record of the previous filing and suggested that the Request be filed again by mail.

Patentees and assignee request that the USPTO issue a Certificate of Correction in the above-identified patent as originally requested in the March 17, 2006 filing.

Respectfully submitted,



---

James F. Haley, Jr. (Reg. No. 27,794)

Nina R. Horan (Reg. No. 47,662)

David A. Roise (Reg. No. 47,904)

Attorneys for Applicants

FISH & NEAVE IP GROUP

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1251 Avenue of the Americas

New York, New York 10020-1104

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# Auto-Reply Facsimile Transmission

TO: Fax Sender at 6506174053

Fax Information

Date Received:

3/17/2006 3:48:41 PM [Eastern Standard Time]

Total Pages:

17 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

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HR-17-2006 12:48 FROM: FISH NEAVE IP GROUP 6506174053

TO:USPTC

P.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees : Guy W. Bemis et al.  
Patent No. : 6,608,060  
Issued : August 19, 2003  
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### OFFICIAL FACSIMILE TRANSMITTAL

TO: ATTN: Certificate of Correction Branch  
Hon. Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

FACSIMILE NUMBER: 1.571.273.8300

#### THE SENDER IS:

David A. Roise  
Reg. No. 47,904  
FISH & NEAVE IP GROUP  
ROPES & GRAY LLP  
1251 Avenue of the Americas  
New York, New York 10020  
Tel. (650) 617-4000 (Calif.)  
Fax. (212) 596-9090 (New York)

Docket : VPU/96-16 CIP2

#### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below, pursuant to 37 C.F.R. § 1.6(d).

March 17, 2006  
Date

*Zily Jiang*  
Zily Jiang

#### Enclosures:

1. Request for Certificate of Correction (3 pages) in Duplicate
2. Certificate of Correction (1 page) in Duplicate
3. Exhibit 1 (2 pages)
4. Exhibit 2 (4 pages)
5. Exhibit 3 (2 pages)

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER 17

MESSAGE CONFIRMATION

MAR-17-2006 12:51 PM FRI

FAX NUMBER : 6506174053  
NAME : FISH NEAVE IP GROUP

NAME/NUMBER : 915712738300  
PAGE : 17  
START TIME : MAR-17-2006 12:48PM FRI  
ELAPSED TIME : 02' 40"  
MODE : STD ECM  
RESULTS : [ O.K ]

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FACSIMILE NUMBER: 1.571.273.8300

THE SENDER IS:

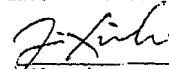
David A. Roisc  
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Lily Jiang

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Palo Alto, California  
March 17, 2006

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Hon. Commissioner for Patents  
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REQUEST FOR CERTIFICATE OF  
CORRECTION UNDER 37 C.F.R. §1.322

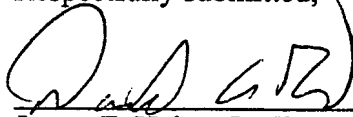
Sir:

This is to request a Certificate of Correction under 37 C.F.R. § 1.322 in the above-identified patent. Patentees and assignee (Vertex Pharmaceuticals, Inc.) have enclosed a Certificate of Correction (Form PTO/SB/44) in duplicate, listing an error that has been found in the above-identified patent. The listed error is believed to be the responsibility of the United States Patent and Trademark Office ("USPTO"). Accordingly, patentees and assignee respectfully request that the USPTO issue a Certificate of Correction.

Patentees and assignee request correction of the filing date listed in item 22 on the cover page of the issued patent. Patentees had filed the above-identified application on June 18, 1999. The USPTO date stamped and mailed the return postcard indicating receipt of the application. A copy of the return postcard is enclosed herewith as Exhibit 1. The Filing Receipt, however, incorrectly recited the filing date of the application as June 14, 1999. Patentees had filed a Request for Corrected Filing Receipt ("the Request") on February 19, 2003. A copy of the Request is enclosed herewith as Exhibit 2. The USPTO again date stamped and mailed the return postcard indicating receipt of the Request. A copy of the return postcard is enclosed herewith as Exhibit 3. The USPTO, however, did not issue a Corrected Filing Receipt, and the patent issued with the incorrect June 14, 1999 filing date. Thus, the failure to list the correct filing date in the issued patent is a USPTO error.

The requested correction does not constitute new matter or require reexamination or additional search. As the listed error is believed to be the responsibility of the USPTO, no fee is believed to be required in connection with this Request. However, should it be determined that a fee is due, the Commissioner is hereby authorized to charge any fee due, or to credit any overpayment to Deposit Account No. 06-1075, Order No. (003602-0003). A duplicate copy of this Request is enclosed herewith.

Respectfully submitted,



---

James F. Haley, Jr. (Reg. No. 27,794)

Nina R. Horan (Reg. No. 47,662)

David A. Roise (Reg. No. 47,904)

Attorneys for Applicants

FISH & NEAVE IP GROUP

ROPES & GRAY LLP

Customer No. 1473

1251 Avenue of the Americas

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Tel.: (212) 596-9000

Fax: (212) 596-9090

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 6,608,060

APPLICATION NO.: 09/336,266

ISSUE DATE : August 13, 2003

INVENTOR(S) : Bemis et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Cover Page, Item [22], delete "Jun. 14, 1999" and substitute therefor -- Jun. 18, 1999 --.

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Fish & Neave IP Group, Ropes & Gray LLP  
1251 Avenue of the Americas  
New York, NY 10020-1104

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 6,608,060

APPLICATION NO.: 09/336,266

ISSUE DATE : August 13, 2003

INVENTOR(S) : Bemis et al.

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Cover Page, Item [22], delete "Jun. 14, 1999" and substitute therefor -- Jun. 18, 1999 --.

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Fish & Neave IP Group, Ropes & Gray LLP  
1251 Avenue of the Americas  
New York, NY 10020-1104

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

# **Exhibit 1**

APPLICANT GUY W. BEMIS ET AL

VIP/96-16 CIP2

TITLE: LIBITORS OF p38

66/81/90



PAGES OF APPLICATION 125

992966/60

012 5.5.95

NUMBER OF CLAIMS 37 SHEETS OF DRAWING

DECLARATION: ☒ EXECUTED ☐ UNEXECUTED

CHECK IN THE AMOUNT OF \$936.00

ASSIGNMENT RECORDATION FORM COVER SHEET

\$40.00

ASSIGNMENT & CHECK IN THE AMOUNT OF

VERIFIED STATEMENT OF SMALL ENTITY STATUS

Receipt is hereby acknowledged of the above

COMMISSIONER OF PATENTS  
AND TRADEMARKS

EI124979386 US

# **Exhibit 2**

VPI/96-16 CIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Deepak Rao  
Group : 1624  
Applicants : Guy W. Bemis et al.  
Application No. : 09/336,266  
Confirmation No. : 7430  
Filed : June 18, 1999  
For : INHIBITORS OF p38

New York, New York  
February 19, 2003

Honorable Commissioner  
for Patents  
Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

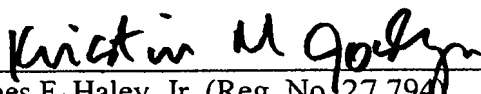
Applicants request that a Corrected Filing Receipt be issued in the above-identified provisional application. The Filing Receipt incorrectly recites the filing date of the application – June 18, 1999. The Filing Receipt erroneously lists the filing date as June 14, 1999. Accordingly, "June 14, 1999" should be amended to recite "June 18, 1999".

In support of this Request, applicants have enclosed a copy of the postcard date stamped by the United States Patent and Trademark Office (Exhibit "2"), listing the

filing date as June 18, 1999. Applicants have also enclosed a copy of the Filing Receipt and noted the corrections thereon (Exhibit "3").

Accordingly, applicants respectfully request that the Patent and Trademark Office issue a corrected Filing Receipt reciting the correct filing date of June 18, 1999. The error in the Filing Receipt is believed to be the responsibility of the United States Patent and Trademark Office. If for any reason the error is deemed to be the responsibility of applicants, the Commissioner is hereby authorized to charge payment of any fee due in connection with this Request to Deposit Account No. 06-1075. A duplicate copy of this Request is enclosed herewith.

Respectfully submitted,

  
James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicants  
Karen E. Brown (Reg. No. 43,866)  
Kristin M. Joslyn (Reg. No. 47,692)  
Agents for Applicants  
c/o FISH & NEAVE (Customer No. 1473)  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

R

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/336,266	06/14/99 <sup>e</sup>	1614	\$1,113.00	VPI/96-16.CI	0	87	3

06/18/99

CIP2

JAMES F HALEY JR  
FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
NEW YORK NY 10020

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) GUY W. BEMIS, ARLINGTON, MA; FRANCESCO GERALD SALITURO, MARLBOROUGH, MA; JOHN PATRICK DUFFY, NORTHBOROUGH, MA; JOHN E. COCHRAN, LOWELL, MA; EDMUND MARTIN HARRINGTON, CAMBRIDGE, MA; MARK A. MURKO, HOLLISTON, MA; KEITH P. WILSON, HOPKINTON, MA; MICHAEL SU, NEWTON, MA; VINCENT P. GALULLO, WATERTOWN, MA.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
THIS APPLN IS A CON OF PCT/US97/23392 12/17/97  
PROVISIONAL APPLICATION NO. 60/034,288 12/18/96

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 07/16/99 \*\* SMALL ENTITY \*\*  
TITLE  
INHIBITORS OF P38

PRELIMINARY CLASS: 514

RECEIVED

JUL 20 1999

FISH & NEAVE - PATENT DEPT.  
REFERRED TO DDC  
NOTED BY DDC

DATA ENTRY BY: SASFAI, DAVID J. TEAM: 03 DATE: 07/16/99

|||||

# **Exhibit 3**



Doc. No. VPI/96-16 CIP2

**Applicant** Guy W. Bemis et al.

**Serial No.** 09/336,266 **Filed** June 18, 1999

**Receipt is hereby acknowledged of the**

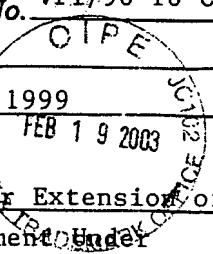
**Transmittal Letter (in duplicate), Petition for Extension of  
Time (in duplicate); check for \$410.00; Amendment Under  
37 C.F.R. Section 1.116 and Reply to Office Action with  
Exhibit 1; Petition for Corrected Filing Receipt with  
Exhibits 2-3.**

**Dated** February 19, 2003

**Response Under 37 C.F.R. 1.116**

**Expedited Procedure**

**Examining Group**



1624

**Filed in connection with the above case.**

03602.003  
JFH/KEB/KJ

Express Mail No.  
EH623266087US

**OMMISSIONER OF PATENTS  
AND TRADEMARKS**